

**Amendments to the Drawings:**

The attached replacement sheets include changes to Figures 1 and 2, and replace the original drawing sheets. In Figures 1 and 2, reference arrow "18" designating the cavity located in the bulbous portion (16) of the cable bolt (10) has been added.

Attachment: 2 Replacement Sheets

### **REMARKS**

The preceding amendments and following remarks are submitted in response to the non-final Office Action mailed on November 10, 2008. With this Amendment, claims 1-5, 11-13, and 16-17 have been amended, and claims 6-10 and 14-15 have been cancelled. Claims 1-5, 11-13, and 16-19 are thus currently pending in the application. Reconsideration of all pending claims and allowance of the application in view of the present response is respectfully requested.

#### **Drawing Objections**

In the Office Action, the drawings were objected to under 37 CFR § 1.83(a). In particular, the Office Action states that the drawings must show every feature of the invention.

With this amendment, Applicant has amended both Figures 1 and 2 to add reference arrow "18," which designates the "cavity" located in the bulbous portion (16) of the cable bolt (10). Support for this amendment can be found, for example, on pages 3-4 of the PCT specification (WO 2005/012691). No new matter has been added as a result of this amendment.

It is respectfully submitted that the addition of reference arrow "18" overcomes the drawing objection with respect to claim 1. Claims 6-9 and 14-15 have been cancelled with this Amendment, thus overcoming the drawing objections relating to these claims.

#### **Claim Objections**

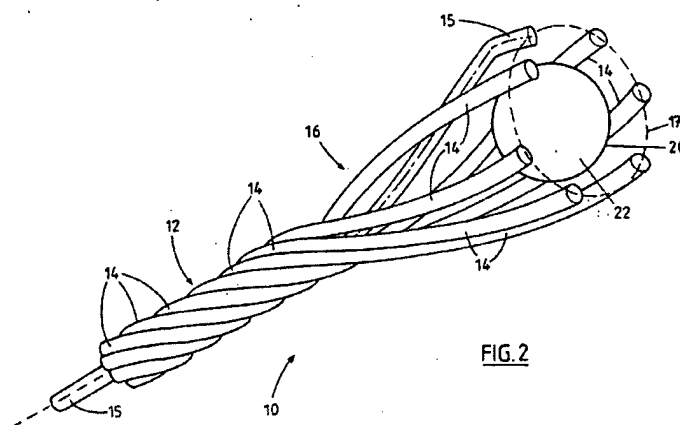
With this Amendment, Applicant has provided a status identifier for claim 16, thus overcoming the objection to this claim.

#### **35 U.S.C. § 102(a) Rejections**

Claims 1-2, 8-9, 11-13, and 15-19 were rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,270,290 (hereinafter "*Stankus*").

Without acquiescing to this rejection, and in order to advance prosecution of the application, claims 1, 11-13, and 16-17 have been amended. Applicant expressly reserves all rights with respect to the originally-filed claims, including the right to pursue them in future continuation applications.

Specifically, independent claims 1, 11, 12 have each been amended to now recite “a plurality of rigid elements each including an outermost surface,” and that “all strands in each bulbous portion extend at least in part around the outermost surface of a rigid element contained in the bulbous portion.” Independent claim 16 has also been amended to now recite “a plurality of rigid elements each including an outermost surface,” and that “all the strands in the pre-formed bulbous portion extend at least in part around the outermost surface of a rigid element contained in the bulbous portion.” Method claims 13 and 17 have also been amended to now require “wherein all the strands in the (each) bulbous portion extend at least in part around the outermost surface of a rigid element contained in the bulbous portion.” Support for these amendments can be found, for example, on page 3, lines 19-21 and in Figure 2 of the present application (reproduced below), which shows all of the outer strands (14) and the center strand (15) extending at least in part around the outermost surface (22) of a rigid element (20) contained in the bulbous portion (16).



(Figure 2 of Application)

*Stankus*, in contrast, discloses a cable bolt (10) including a cable (14) having an upper portion (16) with a mixing section (22) formed by a number of birdcages (24,26,28,30). As discussed at col. 5, lines 13-17 of *Stankus*, the birdcages (24,26,28,40) are regions where the cable strands have been unwrapped and separated from each other. A spreading tool is used to separate the central strand from the surrounding strands, and the cable (14) is unwound a distance of about three feet. Once unwound, a nut or washer (32) is placed over the end of the central strand and slid along its length to a position of about thirty-five to thirty-six inches from its end. *See Id.* at col. 5, lines 54-57. According to *Stankus*, the nut (32) maintains the spacing between the central strand and the surrounding strands in the birdcage (24) and helps to prevent the strands in the birdcages (26,28,30) from wrapping back into the original helical configuration of the cable (14). *See Id.* at col. 5, lines 17-21.

*Stankus* does not disclose, teach, or suggest that all of the strands in each birdcage (24,26,28,30) extend at least in part around the outermost surface of the nut or washer (32) contained in the birdcage (24,26,28,30). To the contrary, *Stankus* teaches that a central strand is threaded through the interior of a nut or washer (32) forming one of the birdcages (24), which suggests that the central strand does not extend at least in part around an outermost surface of the nut or washer (32). Thus, in *Stankus*, not all of the strands in each birdcage extend at least in part around the outermost surface of a nut or washer located within the birdcage. Accordingly, *Stankus* does not disclose each and every element of amended claims 1, 11-13, and 16-17.

Furthermore, with respect to claims 13 and 17, nothing in *Stankus* discloses prising apart two strands of a (pre-formed) bulbous portion and inserting a rigid element having an outermost surface into the (pre-formed) bulbous portion, as further required by these claims. In *Stankus*, the central strand is separated from the surrounding strands, and the cable (14) is unwound a distance of three feet to permit a nut or washer (32) to be placed over the central strand. Since the cable (14) has to be unwound in order to separate the central strand and allow the nut or washer (32) to be placed into position over the central strand, *Stankus* does not disclose, teach, or suggest the steps of prising apart two strands of a pre-formed bulbous portion, and inserting a rigid element including an outermost surface into the pre-formed

bulbous portion. The method recited in claims 13 and 17 of the present application thus differs from the method taught in *Stankus* since, in order to insert the rigid element into a bulbous portion, it is not necessary to unwind the cable (14) in the manner taught in *Stankus*.

With this Amendment, claims 1, 11-13, and 16-17 have also been amended to recite that the bulbous portions are spaced-apart bulbous portions. Support for this amendment can be found, for example, on page 3, lines 6-7 and in Figure 1 of the application, which shows a plurality of bulbous portions (16) spaced apart from one another along the length of the tendon (12).

Although *Stankus* does disclose four birdcages (24,26,28,30) positioned at different locations along the upper portion (16) of the bolt (10), nothing in *Stankus* discloses, teaches, or suggests that these birdcages are spaced-apart, as required by amended claims 1, 11-13, and 16-17. To the contrary, and as shown, for example, in Figure 3 of *Stankus*, the birdcages (24,26,28,30) are not spaced apart from each other, but instead flow directly from one to another such that the strands are at least partially unwound along the entire length of the mixing portion (22) of the bolt (10). As such, *Stankus* also fails to disclose, teach, or suggest spaced-apart bulbous portions, as further recited in amended claims 1, 11-13, and 16-17.

Accordingly, the *Stankus* patent fails to disclose each and every element required by amended claims 1, 11-13, and 16-17. Consequently, amended claims 1, 11-13, and 16-17 are patentable over *Stankus*. In addition, dependent claims 2, 8-9, and 17-19 are also patentable over *Stankus* for at least the same reasons as to amended claims 1 and 16.

### **35 U.S.C. § 103 Rejections**

Claims 3 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stankus*. Claims 4, 6-7, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stankus* in view of U.S. Patent No. 3,332,244 ("*McLean*"). Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stankus* in view of U.S. Patent No. 3,091,990 ("*McVittie*").

As discussed previously, *Stankus* does not disclose, teach, or suggest that all strands in each bulbous portion extend at least in part around the outermost surface of a rigid element

contained in the bulbous portion, as required by amended claim 1. In addition, *Stankus* does not disclose, teach, or suggest spaced-apart bulbous portions, as further required by amended claim 1. The *McLean* and *McVittie* patents likewise fail to disclose these claimed elements. Consequently, claims 3-5, which depend from amended claim 1, are also patentable over the cited art for at least the same reasons as to claim 1.

### **Conclusion**

For the reasons explained above, all pending claims are now in condition for allowance. Accordingly, the Applicant respectfully requests that the Office issue a Notice of Allowance.

Any amendments to the claims are made to expedite prosecution of this application, without acquiescing to the Office's rejections or characterizations of the claims or references in the Office Action. Even if not expressly discussed above, the Applicant respectfully traverses each of the rejections, assertions, and characterizations regarding the disclosure and teachings of the cited references, including the prior art status and the propriety of proposed combinations of cited references.

The Applicant has made a good faith effort to respond to all rejections set forth in the Office Action and to place the pending claims in condition for immediate allowance. If the Examiner has any questions or comments, the Examiner is requested to contact the undersigned at 612/766-7694.

Respectfully submitted,

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